

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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SECURITIES AND EXCHANGE	:	
COMMISSION,	:	
	:	
Plaintiff,	:	Civil Action
	:	No. 05-11805-NMG
v.	:	
	:	
RICHARD F. SELDEN,	:	
	:	
Defendant.	:	
-----	X	

**ASSENTED-TO MOTION TO WITHDRAW
RICHARD F. SELDEN'S OCTOBER 27, 2006
CROSS-MOTION TO PRECLUDE ADMISSION OF FDA EVIDENCE**

Defendant Richard F. Selden ("Dr. Selden"), by his undersigned counsel, hereby respectfully moves to withdraw without prejudice his October 27, 2006 Cross-Motion To Preclude Admission Of FDA Evidence (including all documents filed in support thereof) brought against plaintiff the Securities and Exchange Commission ("SEC"). The motion is currently scheduled to be heard by Magistrate Judge Collings at 2:00 p.m. on Monday, August 13, 2007. As grounds for this motion, Dr. Selden states that the parties have conferred and that the SEC assents to the relief sought herein. The relevant docket entries for the motion and supporting papers in this case are Docket Nos. 19-21.

WHEREFORE, Defendant respectfully requests that the Court grant this motion and allow Defendant to withdraw without prejudice his Cross-Motion To Preclude Admission Of FDA Evidence filed on October 27, 2006.

LOCAL RULE 7.1(A)(2) CERTIFICATION

I, Justin J. Daniels, hereby certify that counsel for the Securities and Exchange Commission assents to the relief sought by this motion.

Dated: August 7, 2007

/s/ Justin J. Daniels
Justin J. Daniels

Dated: August 7, 2007
Boston, Massachusetts

Respectfully submitted,

/s/ Justin J. Daniels

Thomas J. Dougherty (BBO #132300)

Justin J. Daniels (BBO #656118)

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Counsel for Plaintiff

Richard F. Selden

CERTIFICATE OF SERVICE

I, Justin J. Daniels, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 7, 2007.

Dated: August 7, 2007

/s/ Justin J. Daniels

Justin J. Daniels